

Council Chambers-City Council
City Hall-City of Lodi
Monday, November 23rd., 1931

Pursuant to the adjournment regularly taken from the regular meeting of November 16, 1931, the City Council of the City of Lodi met in adjourned regular session at ten minutes past eight o'clock P.M. on the date first above written, Councilmen Keagle, Roach, Steele, Weihe and Spooner (Mayor) present, none absent.

It appearing that more time would be needed to perform certain acts specified as conditions subsequent in the deed from Colorado Power Company to the City dated January 9th., 1929, Councilman Steele, seconded by Councilman Weihe introduced the following resolution :-

RESOLUTION No. 651.

WHEREAS, under the terms of the deed dated January 9th., 1929, delivered to and accepted by the City of Lodi in accordance with Resolutions Nos. 566 and 567 by which Colorado Power Company conveyed to the City of Lodi certain riparian lands and water rights situate on and along the Mokelumne River in Calaveras and Amador Counties, California, more particularly described in said deed, the City of Lodi was required to perform certain conditions subsequent, as a prerequisite to retaining title thereunder; and,

WHEREAS, said conditions subsequent included the obligation to have a final investigation of the engineering features of the hydroelectric power plant, proposed to be constructed on said lands, and transmission lines connecting therewith, made within a period of one (1) year from the date of said deed, and to have an election called and held within a period of two (2) years from the date of said deed, for the purpose of voting bonds necessary to construct said hydroelectric power plant and transmission line, and to enter into a binding contract, within three (3) years from date of said deed, for the construction of the said project works including the said power plant and transmission line and to complete the said project works and have it in operation in connection with the existing distribution system of the grantee within four (4) years from the date thereof, and thereafter for a term of twenty-five (25) years to pay certain kilo-watt-hour royalties upon the electric energy to be generated at the said plant, to Colorado Power Company, all of said conditions and requirements being included in the said deed as conditions numbered Second, Third, Fourth, Fifth and Sixth and more particularly set forth therein; and,

WHEREAS, the City of Lodi has caused the engineering investigation required under the second condition under said deed to be made and reported in writing to the Colorado Power Company within the time required by said deed, but has been prevented, by the pendency of litigation with the East Bay Municipal Utility District and Pacific Gas & Electric Company affecting the riparian water rights appurtenant to the property in question, from carrying out the remaining conditions of said deed; and

WHEREAS, by a certain "SUPPLEMENT TO DEED" recorded January 7th, 1931 in Book 86 of Deeds at page 411 and following, in the office of the County Recorder of the County of Calaveras, State of California, and also of record in the County of Amador, the respective periods within which the conditions and requirements enumerated in said deed dated January 9th., 1929, as conditions numbered Third, Fourth, Fifth and Sixth might be performed and complied with by said City of Lodi, were each extended for a period of one year respectively; and,

WHEREAS, it now appears that in all probability an enforced delay of at least one year, from and after the date thereof,

before such litigation shall be terminated and before said conditions subsequent of said deed can be possible of fulfillment, will result;

NOW THEREFORE, BE IT RESOLVED, that, The City Council of the City of Lodi does hereby request the Colorado Power Company to extend for an additional year (after the time allowed by said deed of January 9th., 1929 and as the same has been heretofore extended in and by said "SUPPLEMENT TO DEED" has expired) the respective periods within which the conditions and requirements enumerated in the said deed dated January 9th., 1929, as conditions numbered Third, Fourth, Fifth and Sixth, may be performed and complied with by the City of Lodi, grantee thereunder, upon the same understanding by the City of Lodi as set forth in said Resolutions Nos. 566 and 567 ;

BE IT FURTHER RESOLVED, that a certified copy of this resolution be transmitted by the Clerk of this Board to Colorado Power Company for its consideration, together with a request that the said Company shall, if agreeable thereto, cause to be transmitted to the City Clerk a duly executed supplementary deed on or before December 31st., 1931.

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The foregoing Resolution No. 651 was thereupon passed and adopted by the following vote :-

AYES: Councilmen, Keagle, Roach, Steele, Weihe and Spooner.
 NOES: Councilmen, None.
 ABSENT: Councilmen, None.

At 8.45 P.M. the City Council was resolved into Committee of the Whole and entered into executive session, returning to the regular order at 9.40 o'clock P.M.

At 9.47 o'clock P.M. adjournment was taken on motion of Councilman Steele to 8.45 o'clock P.M. of Wednesday, November 25th., 1931.

Attest:

J. F. Beane
 City Clerk.

The foregoing minutes regularly read and approved without correction at a regular meeting of the City Council of the City of Lodi held Monday, December 7th., 1931.

H. A. Spooner
 Mayor of the City of Lodi
 Dec. 7, 1931.